

**Town of Milton
Planning & Zoning Meeting Minutes
May 16, 2006**

Members Present:

**Linda Rogers
Richard Greig**

**Mike Filicko
Carol Bruce**

**Ginny Weeks
Bernice Edwards**

**Dean Sherman
Gene Steele**

Others Present:

**Robin Davis
Stephanie Coulbourne**

John Brady

Robert Kerr

Public Hearing opened.

1. The applicant of Lori Ann Hilferty requesting a special permitted use to operate a small in home day care for five or less school age or preschool age children at 441 Rudder Lane further identified by the Sussex County Tax Map Parcel number 2-35-14.00-260.00 located in an R3 district.

Linda Rogers: Is there anyone present on behalf of this application?

Lori Hilferty: I would like to open a small in-home day care. The requirements of the state offers child care licenses requires you to file an extension. I've completed most of the procedure to get the licenses from the office of the child care licensing but I need a special use permit from the Town to be able to operate. The day care will be for five or less school age children, it may be less then that because of the requirements. They only allow a certain amount of children for each age group. I plan to use out door play here at Milton Park and use the library. The program that I want to offer has scholarships available from different business from the town. The state for punches care currently pays 66 dollars per only child. Most day cares won't take that because you're making less than minimum wage to offer day care for a child. Therefore it's really difficult for moms and family to have licensed day care for their children. You don't have licensed day care for your child its hard to make a living. If you do have licensed day care you have to split your pay check with the day care provider. I want to provide an alterative to that. I want to provide licensed quality day care for children to help family's get on their feet. If I can get this special use permit and my licensees from the state from the office of child care licensing I would be the only daycare in this county that will accept children after regular business hours. So that will provide an opportunity for family's to work different shifts and make more money. The reason I want to do this is because I'm a single mom and I walked ten miles in that shoe and it's really difficult to struggle your whole life to get ahead of the baby sitter. I understand why some moms give up, and they decide to let the state take care of them, or have a man take care of them, or do other things that provide income into the household. It may sound like just a day care is opening but I really want to take this opportunity to in effect to change the world for even one kid.

Linda Rogers: So you will possible have children there at all times and they would stay all night if the parent had to work at night.

Lori Hilferty: Yes that's my goal. We have more restaurants in town now, Irish Eyes, the

Miltonian, and the Milton house, all these people work nights and you can't make money unless you work nights and holidays in these industries. You can never find licensed day care that will take your child at night. So yes that is my goal.

Linda Rogers: And this is your home?

Lori Hilferty: Yes.

Michael Filicko: Will you have any employees working with you?

Lori Hilferty: No sir. Technically the term for that is a level one day care. There is an opportunity after two years of providing level one care through the office of child care licensing to move to a level two. At that point with still the ratio of one care giver for any five children but then you can have up to twelve children at that point. In the home that I live in now would not be feasible for me to do that. However if this program gets off its feet and I can move to a different location that may be something I would like to do in the future but not at this location.

Gene Steele: Does the covenants permit a business to operate in a development?

Lori Hilferty: That's what I'm here to find out, I don't know.

Gene Steele: You rent the unit right?

Lori Hilferty: Yes.

Gene Steele: The owner should have given you a copy of the covenant.

Lori Hilferty: The owner gave me a letter that I have here giving me permission to operate this day care.

Dean Sherman: He's talking about the convenience of the home owners association not of the town, right?

Lori Hilferty: I don't know anything about that, and from the discussion I have with my landlord he said there wasn't a home owners association there in Shipbuilders.

Carol Bruce: I don't think there is. I tried and a number of people have tried to start one over and over again. I really appreciate what you are trying to do and coming to us with the serious that you seem to be trying to do it. I know it's a very important thing I don't think people that have two parent homes that have more money don't understand how hard it is for people on the lower end. I was wondering two things, one thing is you would have about two car spaces in the front of the house for drop offs.

Lori Hilferty: I do.

Carol Bruce: And the parent have to come into the house to pick up is that true?

Lori Hilferty: Yes. Yes, good. I have two maybe three. I have a neighbor that I've talked with and she only has one car as well as I do and this isn't a problem with her. We also have off street parking. The way I'm going to set it up and I'm already on a waiting list so if I works out this way. I'm not saying it will always do that. You may have parents that come or go or move for what ever reason but at this time I have a family interested with three children and another family that's interested with two children. So that's all my spot. That would be only two cars. I don't think at any time I would need more than those spaces.

Carol Bruce: Even though it's not a land issue if you could say a couple sentences about you background.

Lori Hilferty: Sure, Well I got into this business by work at Head start a program in northern Delaware. I worked for Newcastle county head start for a number of years and I started out there as a cook, I have a back ground in food service and just struck me at how many children come to school with out having dinner or breakfast. It is very heart breaking. So I made a goal that I was to end that and I start a nutritional program that is now adopting through out the whole of northern Delaware. I plan to model that same nutritional program in the day care I open. More

than that I notice the direct correlation between the grow of children and their behavioral problems and their family back ground as far as their food, proper nutritious, and care that they get. So I want to make a dent in all that and I have really accomplished that.

Carol Bruce: So mostly what you are saying is that you kind of learned by observation as much as anything. And you have one child?

Lori Hilferty: I have a daughter and she's nine.

Ginny Weeks: So if you have children at night you have the possible of having six children sleeping there at night.

Lori Hilferty: The possibility but not probability.

Ginny Weeks: So you could possibility have people having people picking up children at mid night or one o'clock in the morning.

Lori Hilferty: Yes.

Ginny Weeks: Are you going to fence the back year at all?

Lori Hilferty: Its not my yard to fence so I would need to get permission from my land lord to do that, I hadn't planned on it because the out door play is going to be here at Milton park.

Ginny Weeks: You are never going to have children in the back yard?

Lori Hilferty: No because there are dogs there and for the requirement for the state office of child care licensing you can't just let the children play in the back year. That's not an activity they have to have out door play with certain stimulates for different age groups of children. So you would have to make more of an investment that just a fence. It would have to be a slide, an age appropriate slides or sea saw, and swing and things of that nature. If I were to make that type of investment it would be more that just a fence.

Ginny Weeks: Is the park finished with swing and everything through out the winter or are they put away for the winter?

Robin Davis: They are out there year around.

Ginny Weeks: Have you spoken to any of your neighbors and let them know what you're doing?

Lori Hilferty: The neighbors that live to the right of me are related to my land lord so they know and then the neighbor that lives to the left of me is an elder lady that we've talked with in about. Other that that I have some people in my neighbors that go to my church who are supportive of but other than that I don't know a lot of people in that area.

Ginny Weeks: Because when I was out today I noticed the people behind you have a hot tub and so on, and I image that they might spend so time out there. Do they know you plan on having this?

Lori Hilferty: I have spoken with them directly about it. I do believe it was notified through the town.

Robin Davis: That's why we are having this public hearing now.

Richard Greig: What are we supposed to do with this, are we just dealing with the fact that this will be ok?

Linda Rogers: Yes.

Richard Greig: I want to say at this point I think your service is a good. My opinion is that this is a worth while request.

Linda Rogers: Is any party's present that would like to make any type of comment either for or against?

Lynn Ekelund: I have a question I'm looking at the zoning ordnances under 6.0.3 procedures for special uses and it say the property owner of this agent my request for special use for modifications. I understand that you are not the owner.

Lori Hilferty: No, I'm not.

Linda Rogers: There is a letter from the owner stating that she can do this.

Lynn Ecklund: Is she acting as the proper owner's agent?

Linda Rogers: Yes.

Lynn Ecklund: Could I see the letter?

Linda Rogers: It's on the application its self.

Michael Filicko: Here is a copy of the letter.

Lynn Ecklund: And does it say on the application that she is acting as an agent.

Linda Rogers: Applicant/Agent there, land owner there. Anyone else have any question? Does anyone on the board have any questions?

Ginny Weeks: I have a question is this a condominium unit out there?

Bob Kerr: No.

Linda Rogers: If not then we will close this public hearing and move on with our agenda.

Public Hearing Closed.

1. The applicant, Lori Ann Hilferty, requesting a special permitted use to operate a small in home day care for five or less school age or preschool age children at 441 Rudder Lane further identified by the Sussex County Tax Map Parcel number 2-35-14.00-260.00 located in the R3 district.

Linda Rogers: This will be for us to make a decision. Would some one like to make a motion?

Michael Filicko: I know in the past we have granted people one year.

Linda Rogers: Yes, stipulation that we will review at the end on the year see if there has been any complaints or any problem to see how it's going.

Michael Filicko: Yes.

Richard Greig: Good point.

Linda Rogers: You could do that. Do you want to put that in the form of a motion?

Michael Filicko: Yes I make the motion that we grant to approval with the one year stipulation, and then have you come back after one year and if there aren't any complaints from any one in you neighborhood you should be good to go.

Linda Rogers: Ok we have a motion is there a second?

Richard Greig: I'll second that!

Linda Rogers: We have a motion and a second. All in favor.

Ginny Weeks: Can we have a discussing on the motion?

Linda Rogers: Yes go ahead.

Ginny Weeks: I'm not going to support this motion unless something can be done to change it. I really think we need to set a time frame after such an hour there will be no pick up or drop off of children or before. I think it is intrusive if there are five children from five different families that you have cars coming every night between ten eleven twelve o' clock at night to pick up these children up, who will be crying because they will be woken up from sleep. This is not an easy deal. I'm also concerned that the only public notification to the neighborhood is through the newspaper. The council had asked that, and I understand the signs are not ready, that a sign be put up in front of the property so people know what is happening and I can't support this motion because I would want a time limit on it.

Richard Greig: Is that within our purview?

Ginny Weeks: Absolutely.

Richard Greig: I don't think it is.

Linda Rogers: First of all we have a motion on the floor that has one stipulation to the motion which is that she comes back at the end of the year for a review. Now we do have a council person that is concern in reference to the hours that she's going to be operating which she has openly said it would be a 24 hour service if needed. So, you know we have to act on this motion or the motion has to be rescinded, and if other people are ready to vote on the motion as it stands then we can vote on the motion as it stands.

Carol Bruce: Are we still discussing, can I just raise a point. Having for a period of time has been a single parent I could never afford over the night care or anything. I don't know if its true but most care really is just before work and pick up just after work. I don't see middle of the night pick up being anything other than a rear emergency type situation, from my experience from day care, other wise that would bother me more.

Ginny Weeks: Was your day care open 24 hours a day?

Carol Bruce: One of them was, two of them won't.

Ginny Weeks: I am concerned that the people that made an investment out there because it's only notified through the paper at this point are properly notified.

Linda Rogers: Well we have complied with the regulation of the ordinance and right now we do have a motion on the floor with a second and if the people would like to vote or rescind the motion we need to do that. So, we have a motion and a second do you want to rescind the motion or do you want to continue with it.

Michael Filicko: I would like to continue.

Linda Rogers: Ok, we have a motion and we have a second.

All in favor for allowing this day care – "Aye". All opposed - No.

Linda Rogers: We have one no. Ms. Bruce?

Carol Bruce: Sorry, no.

Linda Rogers: You are voting against the motion to have the day care.

Carol Bruce: Yes, only because of the issue of public notice.

Linda Rogers: We comply to the ordinance so there's 4 voting in favor and 2 voting no and I would vote yes if it was required to vote. So motion carried.

2. The final site plan approval for the board of education for the Cape Henlopen School District of one modular class at H.O. Brittingham Elementary School further identified by the Sussex County Tax Map Parcel number 2-35-14.00-88.00 and one modular class room at Milton Elementary School further identified by the Sussex County Tax Map Parcel number 2-35-20.11-3.00.

Linda Rogers: Is there anyone present in behalf of this application?

Tyrone Woodward: On behalf of the application.

Linda Rogers: This is a review of what was brought up at the last meeting giving better location. Correct?

Tyrone Woodward: Yes.

Linda Rogers: So we will take these one at a time, and the first one is H.O. Brittingham's modular unit in the back. Does anyone have any questions?

Gene Steele: How long is this proposed building going to be there?

Tyrone Woodward: To be honest probably two years. We plan on starting construction in the

fall, late fall and four classroom addition to H.O. Brittingham and Milton Elementary School due to full day kindergarten.

Carol Bruce: And are these going to be classrooms in this building?

Tyrone Woodward: Yes.

Carol Bruce: It's not for some other purpose?

Tyrone Woodward: No, classrooms. As I stated that this is for the full day kindergarten program that starts in the fall.

Michael Filicko: Sir I know you have addressed this in the past but I don't recall the answer. Will the units have bathrooms for the students?

Tyrone Woodward: Yes, a single bathroom. It's a double unit. One unit with two rooms.

Linda Rogers: Does anyone have any questions for the applicant?

Michael Filicko: Sir, will these student, should they receive meals there, or speech therapy or will they have to go into the main building?

Tyrone Woodward: Yes. What may happen with the older kids, they may move fifth grade class outside and keep kindergarten in the building.

Michael Filicko: This unit will be air-conditioned, correct?

Tyrone Woodward: Yes.

Linda Rogers: Does anyone else have any questions? Would someone like to make a motion for the H.O.B.?

Carol Bruce: I like to motion that we go ahead to approve the placement of the modular unit at the H.O. Brittingham location.

Richard Greig: I'll second that.

Linda Rogers: I have a motion and a second. All in favor – "Aye". . Opposed – none. Ok we approve the placement on the modular unit at H.O. Brittingham.

Linda Rogers: Next is the modular unit that's going to be placed behind the Milton Elementary School. Does anyone have any question of the applicant in reference to the placement of this unit?

Gene Steele: It's the same as H.O. Brittingham?

Tyrone Woodward: Yes, the kindergarten and first grade is in the annex now.

Linda Rogers: Does any one else have any questions?

Dean Sherman: Move to approve the placement of the modular at Milton Elementary School.

Carol Bruce: Second.

Linda Rogers: We have a motion and a second. All in favor – "Aye". Opposed – none. Motion carried.

3. The Applicant, Big Link LLC requesting a final site plan for approval of office/retail space at 113 Union Street further identified by the Sussex County Tax Map Parcel number 2-35-14.19-184.00 located in the town center.

Linda Rogers: Is there anyone present in behalf of this site plan.

Richard Reed: Yes, at the last meeting there were issues brought up about the parking out front. It was suggested that I put a curb out front and that's what you see on the drawing. Also a patio was suggested replacing the parking area. What I plan on doing was leaving the existing, saw cutting four openings and planting trees and plants as shown on the drawing. The lighting issue was solved with indirect overhead lighting over all the stores. I think that was all issues.

Ginny Weeks: I notice that you're using bradford pears as the trees. You should know that

bradford pears are inexpensive but they grow 40 feet by 40 feet and they tend to split. I think you should put in smaller trees so that won't hide your signs.

Richard Reed: That's fine I haven't looked at the tree selection.

Ginny Weeks: What kind of benches are you putting out there?

Richard Reed: I haven't picked anything out.

Ginny Weeks: The town might help you out so that they conform to what's already on the street.

Stephanie Coulbourne: Mayor Post did say he would like the benches to be uniformed throughout the town. Further decision is needed between you and the town on those benches.

Ginny Weeks: What's happening at the back of the building?

Richard Reed: I plan to landscape that area. I have discussed this issue with Mr. Norton, owner of the old hardware store.

Ginny Weeks: The reason I'm asking is that we are allowed under 7.14.2 of the zoning ordinance to ask about that.

Linda Rogers: Bob do you have any questions or comments?

Bob Kerr: No.

Linda Rogers: Does anyone else have any questions or comments?

Carol Bruce: There will only be one bathroom?

Richard Reed: It's going to be two handicap bathrooms. There's an existing one in unit 1A that serviced the existing office. The other two bathrooms are going to be totally remodeled.

Ginny Weeks: The last time you were here, I had asked about the heating and air-conditioning units and how big they were and where are they going to be.

Richard Reed: My mechanical contractor recommended that I not put them on the roof.

Ginny Weeks: How do you plan on putting them?

Richard Reed: In area in the back when the door is on the plans.

Ginny Weeks: Are those going to be fenced?

Robin Davis: There is no requirement to do that.

Linda Rogers: Does anyone else have any questions?

Dean Sherman: I make a motion to grant final site plan approval based on the plans submitted.

Bernice Edwards: Second.

There was a discussion on the concern of one of the committee members about the trees to be planted out front.

Linda Rogers: We have a motion on the floor and a second.

All in favor – "Aye". Opposed – I'm opposed. One opposed.

4. The application of river basin engineering requesting a concept plan review for the out parcel of Milton Park Center further identified by the Sussex County Tax Map Parcel number 2-35-14.15-68.00 and one additional building to be located on 68.01.

Linda Rogers: This has been removed from the agenda.

5. The applicant of James and Marybeth Parker Requesting a final site plan review to place three mini storage building along county road 22B Morris Street Extended further identified by the Sussex County Tax Map Parcel number 2-35-14-11-57-58-60. The property are currently zoned C1.

Linda Rogers: Is there anyone present in behalf of this site plan?

Jim Parker: Last time we met there were 7 or 8 things that had to be put on the plans before final approval. We now have noted on the plans were the vinyl fences would be placed, East and North property line. The fact in the increase in the landscaping now there will be 30 feet more of landscaping so Morris Street Extended looks like its landscaping all the way through. Now the parking lot will be asphalted noted on the plans. Noted the sign will be at the entrance when you pull in. Building number three will be entered on one side only. The two poles light will now be directed to the back. The security lighting that will be mounted on the building and it's noted on the plans. Now on the site it shows curb and sidewalk and handicap accessibility on Morris Street Extended. And one last thing on the plan is that there will be no exterior storage there.

Ginny Weeks: Is there green space running along the sidewalk, between the curbing and sidewalk?

Jim Parker: I think that's a landscape bed.

Bob Kerr: It's shown having the sidewalk up against the curbing.

Jim Parker: Yes, that is correct.

Ginny Weeks: Is the storm water basin going to have something to aerate it?

Jim Parker: The aerating will be through the design of Sussex County conservation district.

Linda Rogers: Bob, do you have any questions or comments?

Bob Kerr: I didn't see the note for fencing along the east property line. Is this to be replaced with vinyl?

Jim Parker: It will be extended with the existing vinyl fencing and the landscaping design is also there on the plans.

Dean Sherman: The split rail will stay as a barrier around the storm water pond.

Jim Parker: Yes, for safety. The color we are asking to do for the building is silver and royal to match the car wash. The buildings will have an A- frame roof.

Dean Sherman: Do you have any other pending approvals right now?

Jim Parker: I have everything done except storm water management.

Michael Filicko: Will any of the buildings be heated or air conditioned?

Jim Parker: Yes, building number one.

Michael Filicko: How many units in building one?

Jim Parker: The number will vary due to the fact we can move the inside walls to any size.

Carol Bruce: What about the possibility of someone living there and managing it?

Jim Parker: We don't have anyone living there, but I want someone to be there for both the storage and the car wash in case of a problem.

Carol Bruce: So there would be an office but you won't be a need for a bed room.

Jim Parker: No just the office at the car wash.

Linda Rogers: Does anyone have any question? Would someone like to make a motion?

Dean Sherman: I make a motion that we approve this as a final contingent on the approval from storm water management.

Richard Greig: I'll second it.

All in favor – "Aye". Opposed – none. Approved as a final.

Adjournment